

Order

Michigan Supreme Court
Lansing, Michigan

October 10, 2005

Clifford W. Taylor,
Chief Justice

ADM File No. 2001-10

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Amendment of
Rule 8.123 of the
Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 8.123 of the Michigan Court Rules is adopted, effective immediately.

[The present language is amended as indicated below by underlining for new text and strikeover for text that has been deleted.]

Rule 8.123 Counsel Appointments; Procedures and Records

(A)-(C) [Unchanged.]

(D) Required Records. At the end of each calendar year, a trial court must compile an annual ~~written or~~ electronic report of:

- (1) ~~the number of appointments given to each attorney by that court;~~
- (2) ~~the number of appointments given to each attorney by each judge of that court;~~
- (3) the total public funds paid to each attorney for appointments by that court;
and
- (4) ~~the total public funds paid to each attorney for appointments by each judge of that court.~~

This subrule applies to appointments of attorneys in any capacity, regardless of the indigency status of the represented party. Trial courts that contract for services to be provided by an affiliated group of attorneys may treat

the group as a single entity when compiling the required records of appointments and compensation.

The records required by this subrule must be retained for the period specified by the State Court Administrative Office's General Schedule 16.

(E) [Unchanged.]

(F) Reports to State Court Administrator. A trial court must submit its annual electronic report to the state court administrator in the form specified by the state court administrator. When requested by the State Court Administrator, a trial court must cooperate in providing:

- (1) ~~provide a copy of its most recent annual report; and~~
- (2) provide additional data on an individual attorney, or judge, or attorney group for a period specified by the request, including the number of appointments by each judge, the number of appointments received by an individual attorney or attorney group, and the public funds paid for appointments by each judge.

Staff Comment: The amendments of MCR 8.123, effective immediately, broaden the rule's reporting requirements to cover court appointments of attorneys in all capacities, regardless of the indigency status of the represented party, while also simplifying the reporting requirements for trial courts. The amendments further require trial courts to electronically submit their annual reports of counsel appointments to the State Court Administrative Office, in addition to continuing to maintain them for public inspection at the courts. Trial courts also are required to cooperate with the state court administrator by providing additional data on appointments to individual attorneys or attorney groups, and on appointments by an individual judge, without having to include this data in their annual reports.

The staff comment is not an authoritative construction by the Court.

KELLY, J., opposes the adoption of this order.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 10, 2005

Corbin R. Davis
Clerk